

House Amendment 1352

PAG LIN

1 1 Amend House File 838 as follows:
1 2 #1. By striking page 1, line 1, through page 3,
1 3 line 11, and inserting the following:
1 4 <Section 1. NEW SECTION. 602.8102A NOTICES
1 5 RETURNED FOR UNKNOWN ADDRESS == RESENDING.
1 6 Notwithstanding any other provision of the Code to
1 7 the contrary, and subject to rules prescribed by the
1 8 supreme court, if the clerk of the district court
1 9 sends a mailing or notice to a person or party and the
1 10 mailing or notice is returned by the postal service to
1 11 the clerk of the district court as undeliverable, the
1 12 clerk is not required to send a repeat or subsequent
1 13 mailing or notice unless the clerk receives an updated
1 14 mailing address.
1 15 Sec. 2. Section 901.4, Code 2005, is amended to
1 16 read as follows:
1 17 901.4 PRESENTENCE INVESTIGATION REPORT
1 18 CONFIDENTIAL == DISTRIBUTION.
1 19 The presentence investigation report is
1 20 confidential and the court shall provide safeguards to
1 21 ensure its confidentiality, including but not limited
1 22 to sealing the report, which may be opened only by
1 23 further court order. At least three days prior to the
1 24 date set for sentencing, the court shall ~~serve send a~~
1 25 copy of all of the presentence investigation report
1 26 upon by ordinary or electronic mail, to the
1 27 defendant's attorney and the attorney for the state,
1 28 and the report shall remain confidential except upon
1 29 court order. However, the court may conceal the
1 30 identity of the person who provided confidential
1 31 information. The report of a medical examination or
1 32 psychological or psychiatric evaluation shall be made
1 33 available to the attorney for the state and to the
1 34 defendant upon request. The reports are part of the
1 35 record but shall be sealed and opened only on order of
1 36 the court. If the defendant is committed to the
1 37 custody of the Iowa department of corrections and is
1 38 not a class "A" felon, a copy of the presentence
1 39 investigation report shall be forwarded by ordinary or
1 40 electronic mail to the director with the order of
1 41 commitment by the clerk of the district court and to
1 42 the board of parole at the time of commitment.
1 43 Pursuant to section 904.602, the presentence
1 44 investigation report may also be released by ordinary
1 45 or electronic mail by the department of corrections or
1 46 a judicial district department of correctional
1 47 services to another jurisdiction for the purpose of
1 48 providing interstate probation and parole compact or
1 49 interstate compact for adult offender supervision
1 50 services or evaluations, or to a substance abuse or
2 1 mental health services provider when referring a
2 2 defendant for services. The defendant or the
2 3 defendant's attorney may file with the presentence
2 4 investigation report, a denial or refutation of the
2 5 allegations, or both, contained in the report. The
2 6 denial or refutation shall be included in the report.
2 7 If the person is sentenced for an offense which
2 8 requires registration under chapter 692A, the court
2 9 shall release the report by ordinary or electronic
2 10 mail to the department.
2 11 Sec. 3. ADOPTION OF COURT RULE RELATED TO TRIBAL
2 12 COURTS. The general assembly acknowledges that
2 13 contact and interaction between the Iowa court system
2 14 and federally recognized tribal courts are ever
2 15 increasing and the general assembly urges the Iowa
2 16 supreme court to consider developing and prescribing
2 17 rules that recognize the tribal court system and
2 18 enforces tribal court orders, judgments, and decrees.
2 19 Sec. 4. EFFECTIVE DATE. The section of this Act
2 20 enacting section 602.8102A, being deemed of immediate
2 21 importance, takes effect upon enactment.>
2 22 #2. Title page, by striking lines 1 and 2 and
2 23 inserting the following: <An Act relating to the
2 24 procedures and duties of the judicial branch,

2 25 including sending notices and reports, and providing
2 26 an effective date.>
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2 31 HF 838.201 81
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